

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

AMERICAN SERVICE INSURANCE)
COMPANY, an Illinois insurance company,)

Plaintiff,)

v.)

NAFTA GENERAL AGENCY, a Texas)
corporation, UNDERWRITERS MGA, INC.,)
a Texas corporation, and RAMON VILLARREAL,)
an individual,)

Defendants.)

08 C 443

Hon. David H. Coar

**DEFENDANTS' EMERGENCY MOTION TO
CONTINUE HEARING SET FOR MAY 22, 2008**

Defendants, NAFTA General Agency ("NAFTA"), Underwriters MGA, Inc. ("UMGA"), and Ramon Villarreal ("Villarreal") (collectively, "Defendants"), by and through their counsel, respectfully move this honorable Court for a fourteen (14) day continuance of the hearing set for May 22, 2008, on Plaintiff's Motion to Enforce Settlement Agreement and Enter Permanent Injunction, and in support of this motion, respectfully state:

1. On May 19, 2008, the Defendants hired the undersigned law firm to serve as their counsel in this action.

2. Undersigned counsel is aware that this action was filed on January 22, 2008 and that this Court entered a temporary restraining order ("TRO") against Defendants on that date, which has since been extended until further order of this Court.

3. Undersigned counsel is also aware that on April 28, 2008, Plaintiff filed a Motion to Enforce Settlement Agreement and Enter Permanent Injunction, and that on April 29, 2008,

this Court granted Defendants' prior counsel leave to withdraw their appearance.

4. On or about May 13, 2008, this Court set an evidentiary hearing date of May 22, 2008, on Plaintiff's Motion to Enforce Settlement Agreement and Enter Permanent Injunction.

5. Undersigned counsel and the Defendants respectfully request a fourteen (14) day continuance of the evidentiary hearing for two primary reasons. First, undersigned counsel would not have a sufficient amount of time to prepare for the evidentiary hearing by the morning of May 22, 2008, because counsel has not yet had an opportunity to fully digest the complex facts and circumstances of the parties' business relationships and their present dispute or to coordinate meetings with or discuss the potential testimony of his clients and any witnesses. Second, on May 19, 2008, undersigned counsel had a telephone conversation with Plaintiff's counsel, Patrick Michael Hincks, who expressed a desire to meet with undersigned counsel to discuss a resolution to this case. In order to have an intelligent conversation with Plaintiff's counsel, the undersigned counsel must first understand the facts and circumstances. A resolution by the parties would certainly be preferable to an evidentiary hearing.

6. This motion is not presented for any improper purpose, but rather, to ensure that the rights of the Defendants are adequately protected and advanced.

7. Undersigned counsel is aware of your Honor's requirement that motions be presented with three business day's notice, but out of respect for this Court, undersigned counsel wanted to present this motion as soon as possible before May 22, 2008. Counsel for the Plaintiff, Patrick Michael Hincks, respectfully declined to agree to a continuation of the hearing, but agreed to presentment of this motion on two business days notice.

WHEREFORE, Defendants respectfully move this honorable Court to grant Defendants' motion for a fourteen (14) day continuance of the evidentiary hearing, and for such other and further relief as this Court deems just and proper.

Respectfully submitted,

NAFTA GENERAL AGENCY,
UNDERWRITERS MGA, INC. and
RAMON VILLARREAL

By: /s/ Antonio DeBlasio

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